



Sex Work and Trafficking: Moving beyond Dichotomies

Francesca Bettio, Marina Della Giusta & Maria Laura Di Tommaso

To cite this article: Francesca Bettio, Marina Della Giusta & Maria Laura Di Tommaso (2017) Sex Work and Trafficking: Moving beyond Dichotomies, *Feminist Economics*, 23:3, 1-22, DOI: [10.1080/13545701.2017.1330547](https://doi.org/10.1080/13545701.2017.1330547)

To link to this article: <https://doi.org/10.1080/13545701.2017.1330547>



Published online: 19 Jun 2017.



Submit your article to this journal [↗](#)



Article views: 7348



View related articles [↗](#)



View Crossmark data [↗](#)



Citing articles: 3 View citing articles [↗](#)



SEX WORK AND TRAFFICKING: MOVING BEYOND DICHOTOMIES

*Francesca Bettio, Marina Della Giusta, and Maria Laura Di
Tommaso*

ABSTRACT

This contribution examines how feminist economists have conceptualized sex work and trafficking through the lens of agency and stigma. The ongoing debate about legalization has focused on sex workers' agency and choice, and on the role of stigma in shaping the supply of and demand for sex work. Building on the analysis advanced by contributions to this special issue, this study contends that theoretical and policy debates about sex work are dominated by false dichotomies of agency and stigma. It argues that the relationship between stigma and agency operates along a continuum of contractual arrangements that underpins a high degree of segmentation in the industry. The higher the stigma, the lower tends to be the agency. Current policies toward sex work therefore need reconsideration – especially mounting support for criminalization of clients, which, by increasing stigma, is likely to detract from the agency and the well-being of sex workers, however unintentionally.

KEYWORDS

Sex work, trafficking, gender analysis, stigma, agency

JEL Code: J15, J16, J46

BACKGROUND AND MOTIVATION

In 2016, France revised its legislation on sex work. The French Parliament passed law 2016–444, which makes it illegal to pay for sex and imposes fines for clients up to nearly 4,000 euros. Moreover, convicted clients are required to attend classes where they are lectured about the conditions faced by prostitutes (known in the United States as John schools; see Shively et al. [2012]). With the French Parliament giving its assent, France joined the group of European countries adopting the so-called “Swedish approach” to policies on sex for pay. To date the group includes Norway, Iceland, and Northern Ireland, but other countries are expected to follow

– for instance, the Baltic countries. The ultimate goal of Swedish-style legislation is to eradicate sex for pay – which not by chance is termed “prostitution” – by gradually curbing demand from (mostly male) clients without, however, penalizing the sex workers. On the assumption that less paid sex also means less trafficking, supporters of the Swedish model trust that, should countries worldwide share the criminalization of clients, this would also, and necessarily, lead to the gradual eradication of trafficking in human beings for sexual exploitation (Hughes 2000).

We may be willing to consider as benignly utopic the view that criminalization of clients on a world scale would eradicate sex for pay and trafficking. In a similarly benign spirit, we may hope that the attempt to tackle sex work from the demand side empowers sex workers, since they no longer fear to be criminalized if they resort to the police when a client turns nasty. We may also recognize that the experience of countries having introduced criminalization is producing useful evidence on the comparative effectiveness of a demand-side approach vis à vis traditional supply-side policies, including legalizing or decriminalizing sex for pay. Yet, there is something worrying in the debates and the policy process that has led France and other countries to experiment with the Swedish model.

It was as part of this same process that the Committee on Women’s Rights and Gender Equality urged the European Parliament to back the so-called Honeyball resolution, which credits the “Nordic Model” for having curbed both sex for pay and trafficking, and dismisses the solution of “looking upon prostitution as legal ‘sex work’ [and] decriminalising the sex industry” (European Parliament 2014: Points 34, 37). The resolution was eventually adopted in February 2014. Although it is not binding, it formally establishes the EU’s stance on prostitution and puts pressure on member states to reevaluate their policies on sex work. While the resolution justifiably advocates additional policy efforts and financial resources to fight trafficking for sexual exploitation, careful reading of the text raises concerns that it may contribute to what Ronald Weitzer (2009) called the social construction of a moral crusade against prostitution. The following excerpts from the text of the resolution may justify concern:

B. ... whereas prostitution is a form of slavery incompatible with human dignity and fundamental human rights; C. whereas trafficking of persons, particularly women and children, for sexual as well as other forms of exploitation is one of the most egregious violations of human rights; ... E. whereas prostitution and forced prostitution are intrinsically linked to gender inequality in society ... O. whereas the prostitution markets fuel trafficking in women and children ... W. whereas there is a difference between ‘forced’ and ‘voluntary’

prostitution; ... 4. Acknowledges, however, that the lack of reliable, accurate and comparable data among countries, owing mainly to the illegal and often invisible nature of prostitution and trafficking ... 13. Stresses that the normalisation of prostitution has an impact on violence against women; points in particular to data that show that men buying sex were more likely to commit sexually coercive acts against women and other acts of violence against women, and often presented misogynist attitudes; ... 34. Believes that looking upon prostitution as legal ‘sex work’, decriminalising the sex industry in general and making procuring legal is not a solution to keeping vulnerable women and under-age females safe from violence and exploitation, but has the opposite effect and puts them in danger of a higher level of violence, while at the same time encouraging prostitution markets – and thus the number of women and under-age females suffering abuse – to grow; ... 35. Condemns any policy attempt or discourse based on the notion that prostitution can be a solution for migrant women in Europe. (European Parliament 2014)

The Committee on Women’s Rights and Gender Equality played a key role in ensuring adoption of such an overt abolitionist stance by the European Parliament. Success was achieved also thanks to effective collaboration with the European Women’s Lobby, the largest European umbrella network of women’s associations with an avowed feminist perspective and a mission to pursue women’s rights and gender equality. Sweden’s ability to actively promote its policies and model within EU institutions has also been credited for having contributed to the adoption of the resolution (Svanström 2017).

Despite being backed by two important European institutions with a feminist agenda, statements like those in the above excerpt beg important questions: is prostitution (to use the wording of the resolution) always a form of slavery? Is it an intrinsic form of violence against women, implying that there can be no agency in sex work? Are legalization and decriminalization means to systematically increase exposure of women to sex work, hence to violence? And, we may add, while it may be unacceptable that sex work is viewed as a “solution” for migrant women, is it appropriate to equate migrant sex workers and trafficked sex workers? Is legalization of sex work just a smokescreen behind which sex work and trafficking thrive? Finally, does victimizing sex workers and criminalizing clients reduce the stigma attached to the “oldest profession in the world” and does criminalization of clients improve the well-being of actors involved? It is timely, therefore, that *Feminist Economics* should come back to such questions with an open attitude in light of new evidence.

NEW FEMINIST ECONOMICS RESEARCH ON SEX WORK: THE SPECIAL ISSUE

The six contributions included in this special issue of *Feminist Economics* were selected for this purpose from over forty abstracts that we, the guest editors, received in answer to a call we conceived in 2005 and finally launched in 2013. In keeping with the international spirit of the journal, the studies cover countries spanning three continents – Asia, Europe, and Africa – and offer disciplinary perspectives ranging from the outlook and methodology typical of economists to that of ethnographers, sociologists, and social policy analysts.

The more economic-oriented contributions focus on specific questions: the importance of stigma and risk attitudes for the demand for paid sex in a rich country like the UK, where data from representative surveys of sexual attitudes allow to formally test hypotheses on the factors underpinning demand, as well as draw broader policy inference (Della Giusta, Di Tommaso, and Jewell 2016); the factors enhancing bargaining power among brothel sex workers in India, distinguishing between actual and perceived bargaining (Hui 2017); the importance of discrimination for entering sex work among a virtually unknown subgroup of Italian sex workers – transgender and transsexual people (Botti and D'Ippoliti 2016). Maite Verhoeven and Barbra van Gestel (2016) take a more direct policy stance, showing that the Dutch model of legalization actually stopped short of regularizing “ancillary” services that sex workers depend on, with the consequence of eroding the bargaining power for the latter. The idea is that any study of the economic conditions of sex workers is distorted or incomplete if it does not take on board analysis of spin-off services such as taxi drivers, accountants, errand boys, and so on. Two studies focus on specific subgroups of sex workers, and in both cases, economic questions are pursued from an essentially ethnographic perspective: Paul W. Mathews (2017) investigates the experience of Asian girls selling digital sexual performances in the Philippines, while Sine Plambech (2016) studies migrant sex workers in the trafficking circuit in Nigeria. Plambech takes the idea of examining the spin-offs of the sex industry one step further by analyzing the overlapping “economies” generated by the trafficking of migrant women from Nigeria to Europe. Mathews takes the reader into novel forms of sex work like cam modeling, showing how Information and Communication Technology (ICT) may paradoxically bring back exploitative forms of piece-rate payment.

Despite the diversity of questions, regional backgrounds, and research methodologies, the six studies are woven together by two main threads. The first retraces and revisits the issue of the agency of sex workers, while the second pursues the meaning and the role of the stigma associated with sex work. Following these threads and building on the evidence and the

analysis advanced by the six studies, in this contribution we contend that theoretical and policy debates are dominated by misleading dichotomies regarding both agency and stigma. Sex workers are seen either as free to choose, or as victims. Sex for pay is seen to carry stigma in opposition to other work that supposedly does not. Such dichotomous views inevitably lead to a stark policy opposition between legalizing and criminalizing the sex industry.

We contend instead that both agency and stigma come in degrees. Concerning agency, the contributions in this volume can be used to illustrate the idea of a continuum of contractual arrangements with respect to the ability of sex workers to influence the terms of exchange – earnings, working conditions, hours of work, choice of clients, choice of services, and so on. The same contributions indicate, moreover, that sex work is more stigmatized at the lower end of the market also because it is more brawn than brain work, and the more brawny it is, the stronger the stigma. This feeds a process of segmentation that has been largely overlooked in the economic literature up to now.

In view of this evidence, we conclude, current policies toward sex work need to be reconsidered. Recognizing that both agency and stigma can be placed along a continuum depending on the segment and the organization of the sex industry reinforces available evidence that the lower the agency that is allowed in a given segment, the higher the stigma that is attached. Any policy affecting agency may therefore be expected to affect stigma, and conversely. Regulating sex for pay as any other form of work need not maximize agency if it does not succeed in eradicating stigma. Conversely, the mounting support for criminalization of clients might well reflect adversely on the well-being of sex workers, as it is feared to be pushing sex work online and underground where the space for agency, as well as supporting interventions, risks being considerably restricted.

A semantic caveat is warranted before proceeding any further. Like the authors of the studies included here, we generally use the term “sex work” in lieu of “prostitution” in order to avoid stigmatizing our object of analysis. An additional reason is that sex work covers a range of activities that may not be universally considered prostitution; for example, cam modeling. At the same time, we have used and will continue to use the term prostitution when this is needed to engage in a discussion with the literature, respecting the terminology that has been used in recent debates, as evidenced at the start of this piece.

THE POLICY DEBATE

Some of the questions we raised above in relation to the resolution passed by the European Parliament are rather old, but all of them remain topical for the policy debate that is raging worldwide, and in Europe in particular.

While the debate goes on, staunch supporters of the Swedish model believe they can confidently identify “right” and “wrong” policy actions for Europe. Meanwhile, on the opposite side of the Atlantic, increasing concern with trafficking and violence against women has neither produced a new policy approach nor changed traditional stances with respect to sex work. What is termed prostitution remains illegal in the US, where the issue of trafficking for sexual exploitation has been increasingly conflated with that of sex work in the public discourse (Anderson and Davidson 2003; Doezema 2010). Conflation has made it easier to portray policies to fight trafficking as being also appropriate to tackle sex work, with the result of further legitimizing the legal ban on the latter. Before addressing the questions this volume focuses on, we therefore provide a brief up-to-date review of topical policy controversies in light of the support they received from recent empirical evidence.

Eva-Maria Euchner and Christof Knill (2015) trace the evolution of regulation of sex for pay in Western Europe since the 1960s and note that while until the late 1990s national rules converged on the paradigm of “permission without recognition” (prohibition of brothels and profit-oriented third party activity but allowing activity in flats and on streets), a marked change has since occurred, with countries diverging substantially. Germany, the Netherlands, and Greece have moved toward acknowledging sex work as a regular job, whereas Sweden, Norway, and Finland have hardened their stance, instead aiming to eradicate sex work as a form of violence. In the first group of countries, the consideration of sex work as legitimate labor has led to lifting bans on outdoor and indoor sex work subject to compliance with regulations (Netherlands since 2000, Germany since 2002). Sex workers are entitled to a number of employment-related protections under the law, and local authorities are required to ensure that brothels are suitably licensed and operating in accordance with relevant health and safety requirements. The abolitionist model, conversely, seeks to prohibit sex work, facilitate exit, and punish clients and has been applied in varying degrees in the US and, more recently, Sweden, Norway, and Finland. In Sweden, to obtain a casual sexual relationship for payment is an offense, punishable by a fine or imprisonment for up to six months. Both outdoor and indoor sex work are prohibited, although only the clients are criminalized. As a result, the spotlight here shines squarely on the purchaser of commercial sex and on criminalizing his role in creating demand for the sex industry.

A key rationale behind the resolution adopted by the European Parliament is that prostitution is an essential manifestation of male violence against women, which in turn means that those who sell sex should not themselves be punished since they are victims rather than criminals. True gender equality, it is argued, is attainable only when men are no longer permitted to buy, sell, and exploit women in prostitution, and the

Swedish government has coupled this legislative initiative with a number of outreach programs designed to assist women who wish to leave the industry. Intermediate options continue to exist, as exemplified by the approach of decriminalization adopted for example by New Zealand, where a range of offenses related to selling sex, such as soliciting, brothel-keeping, and procuring intercourse, have been decriminalized since 2003. Brothels are not subjected to any specific state licensing system but are governed by the usual employment and health regulations that apply to other businesses. Soliciting has been decriminalized, and there are no legal impediments to recruiting clients in public bars or hotels. In passing these reforms, the New Zealand government emphasized that its aim was not to legitimize prostitution but to offer to those who worked in the industry an improved level of protection and to eradicate the barriers to women's exiting sex work that may be created by a criminal conviction.

The effects of the different regulatory regimes on the size of the market and the welfare of those involved have been widely studied, although the lack of reliable data is often mentioned as a significant obstacle. For example, it has been argued that women working in toleration zones or regulated brothels (in the Netherlands or Germany, for example) are now less marginalized and both personally and financially better off than they were previously (Euchner and Knill 2015). However, it has also been observed that many sex workers in Germany remain unregistered – often for tax reasons – and that the Dutch experience suggests that the transition to a license-based regime has had negative side effects (Cho, Dreher, and Neumayer 2013). In particular, establishing regulatory systems and policing toleration zones has imposed hefty demands on state agencies, and it has been suggested that the most vulnerable women (that is, those with irregular migration status or drug addictions) have been pushed into illegal sectors where there is no protection. There have been problems in finding a suitable location for toleration zones, and it has been argued that many men who purchase sex – preferring to remain anonymous – will be reluctant to frequent more visible areas, creating inevitable demand for unregulated arenas.

While offering the benefits associated with the reduction of stigma attached to sex work and the greater visibility of sex workers (which is thought to render them less vulnerable to abuse), it has been argued that decriminalization may offer the added advantage of limiting state intrusion into the private lives of sex workers and allows them greater flexibility in their working practices (Della Giusta and Munro 2008). As critics point out, however, the downside of this flexibility is a lack of regulation that may permit abuses to go unchecked. In fact, no agreement exists on the consequences of decriminalization on demand: the New Zealand Ministry of Justice (2008) reports that demand has fallen, while Melissa Farley (2010) suggests it has increased but cannot provide supporting evidence.

Similarly, supporters of the abolitionist approach cite its impact on demand. At a cross-country level, Cho, Dreher, and Neumayer (2013) show evidence that legalization is associated with increased human trafficking. However, Joyce Outshoorn (2005) rounds up the debate between abolitionism and legalization, arguing that women's movements will have to come to terms with the realities of international migration and redefine the interests of women when addressing the old question of sex work and its historical link to trafficking. Concerning the demand of sex work in Sweden and neighboring countries, supporters of the Nordic model claim that there has been a marked decline in the number of sex workers on Swedish streets, but there is also evidence that online sexual services for pay increased considerably, and that there has been cross-border displacement too. One of the risks of abolitionism is that it may simply force relocation to less visible sites in which sex workers may be at increased risk of abuse, or drawn into a more competitive market in which they have to cut prices or offer riskier services to secure the business of a decreasing client base. Controversy rages over which effect has been prevalent in Sweden and neighboring countries, as reported in the UK's Home Affairs Committee prostitution enquiry report (2016) and in the Amnesty International report (2016) about Norway.

In fact, both Amnesty International and *The Economist* have recently reached similar conclusions on policies regarding sex markets. In August 2015, the International Council of Amnesty International (2015) decided to back complete decriminalization of sex work. Decriminalizing sex work, they reasoned, would be better for the health and safety of sex workers and better protect their human rights. Amnesty's International Council took care to declare opposition to criminalizing sex work for both clients and sex workers. Criminalization both on the demand side (clients) and supply side (sex workers) implies pushing this "market" into the hidden economy, increasing the risks sex workers face. Perhaps less predictably, *The Economist* (2014), in a report on paid sex, also argued for a complete liberalization of the market and against criminalization policies. Robert Skidelsky (2016), a prominent Keynesian economist and member of the House of Lords, has joined the cause. He recently advocated against criminalization and in favor of regulation of the market to protect the health and safety of sex workers.

How does the present collection of studies contribute to this debate? While all of the studies are concerned with policy, most of them do not address policy alternatives head-on. However, taken together, they provide conceptual and empirical support for at least two arguments bearing on the debate. The first is that the criminalization of clients and certain anti-trafficking policies such as deportation and rescue of trafficked sex workers have important unintended consequences that limit the agency and well-being of sex workers; that is, these policies become part of the problem rather than a solution. Conversely, legalization policies have not

fully resolved the tendency for parts of the sex work industry to remain informal and to stay out of reach of regulating authorities, suggesting that intermediate regimes (for instance, decriminalization without legalization) may well be those that afford more room for maneuver. As we shall discuss in the following, both arguments impinge on how agency and stigma should be understood and the way they interplay in a highly segmented market that eschews a one-size-fits-all regulatory approach.

THE CONTINUUM OF AGENCY

Feminist economists have long debated the issue of agency. The pioneering work of Nancy Folbre (1994) focuses on questions of identity within the collective structures of society and on rules and norms that position the individual within a social hierarchy. Women's agency is exercised within a system of norms and rules that identifies her social status. So in the context of sex work, an escort has more agency than a street-based sex worker. To this extent, Amartya Sen provides a very important contribution to this debate with his work on cooperative conflict (1987, 1990), where he argues that bargaining models do not fully capture the nature of conflict within the households and therefore the nature of agency. In his view, women's contribution is systematically undervalued because it is not "perceived" as valuable (by both women themselves and men). Sen draws attention to the importance of the external circumstances (that is, labor market, family laws), which can influence the bargaining and negotiation within the household. Feminist economists have extended Sen's argument to take into account how norms and institutions shape the power structures that limit women's agency (Agarwal 1997; Kabeer 1999; van Staveren and Odebo 2007). The *Feminist Economics* special issue on voice and agency takes a clear stance within feminist economists' debates (Gammage, Kabeer, and van der Meulen Rodgers 2016). In particular, Gammage, Kabeer and van der Meulen Rodgers claim that more resources to collective expressions of agency in markets, supporting cooperatives and unions will be essential if we are to improve the terms and conditions of women's employment. Their work on agency in markets is of particular importance for sex markets because women's voices are rarely heard in these markets.

Agency takes central stage in practically every study in this collection. On a general level, the different contributions convey the same message, namely that sex workers express choice and agency to different degrees and in different ways and contexts, including when they operate within trafficking circuits. The specific way agency is conceptualized and found relevant in the different studies advances our understanding by illustrating that agency comes in degrees whether it is seen as "informed" enrollment into a system of indentured sex work migration, choice of occupational

identity within the sex work industry, access to credit, or more general ability to make economic choices under constraint.

Two clear examples are the respective studies on Asian cam girls and Nigerian young women migrating to Europe to sell sexual services. Plambech (2016) notes how the city of Benin in Nigeria has acquired a reputation for being a trafficking hub for young women directed primarily to Europe where they work under a “madame.” In her fieldwork in Benin City, she interviewed some twenty-five to thirty women and their families, as well as key informants. All but one of the women in her study knew they were going to sell sex in Europe, which is at odds with the idea that trafficking implies deceit or force. Reportedly, the same women knew they would work under a madame, and that they might need two or three years to repay the debt incurred with the “traffickers” who arranged travel documents and transportation to Europe. Often the women themselves – or their families – had contacted the traffickers to be “assisted” in their migration project. Plambech argues that one should conceptualize the relationship between traffickers, madams, and sex workers as “indentured sex work migration,” not trafficking. Her contention echoes the conclusion that Smirti Rao and Christina Presenti reached based on their analysis of trafficking in the countries of source:

We see merit in the case for addressing both (trafficking and illegal migration) under the umbrella of what could be termed “trafficking-like practices” to better capture both the immense constraints placed upon the movement of people from the developing world and the resultant ease with which voluntary shades into involuntary. (2012: 258)

Agency has different connotations for Asian cam models who perform various sexual acts in front of a camera to entertain paying clients. Mathews (2017) carried out participant-observation of and interviews with cam models in the Philippines over five years, principally using one major interactive Asian cam modeling site. In his findings, cam models not only make choices in the way economists normally understand (that is, they voluntarily take up this activity in order to earn money), but identity is also involved. Mathews argues that in the Philippines, mobility across different segments of the market for sexual services is low despite the fact that earnings differentials can be large between, say, street walkers, masseuses, bar girls, and cam models. One of the reasons for low mobility, the argument goes, is that choice of type of sex work is or becomes a matter of identity. Because they sell virtual sex, cam models do not think of themselves as prostitutes. They perform behind a screen, whereas what they see as prostitution entails physical contact. Technology helps them build a self-image of sexual performer in opposition to an image as sex worker.¹

And this very identity makes them reluctant to move to other segments of sex work such as massage parlors where they could earn more.

Della Giusta, Di Tommaso, and Jewell (2016), Botti and D'Ippoliti (2016), and Hui (2017; all in this volume) understand agency as economic choice. As is well-known, in neoclassical economic models, choice is exercised subject to limitations in the material resources and the opportunities available to the individual. Thus, choice is never completely free. While concurring with this statement, Hui (2017) construes the concept of bargaining power in the framework of the capability approach developed by Sen. She argues that there are two distinct notions of bargaining power: one that is based on objective bargaining power and another that is based on subjective bargaining power. Both are rooted in the cooperative conflict concept introduced by Sen (1987, 1990), where he distinguishes between “individual contribution” and “perceived contribution”: individual contribution could be different from the perception that each individual has of their own contribution to the household. If, for example, the woman’s housework (individual contribution) is perceived less valuable by the woman herself (perceived contribution), then the outcome of the bargaining within the household would be less favorable for her. Hui goes on to argue “that there may be a difference between the sex worker’s actual bargaining power and what she perceives her bargaining power to be” (2017: 50). Drawing on primary data from brothel-based sex workers in the red light districts of the Indian cities of Delhi and Kolkata, Hui measures both the objective and the subjective (perceived) bargaining power of these women, and she finds that these two dimensions are not only different but are also affected by different constraints. She utilizes the concept of financial agency – agency to open a bank account or to borrow money – as one of the indicators of objective bargaining power.

Critics who deny agency in sex work invoke precisely economic limitations and constraints to make their point. The no-agency-under-constraints argument contends that, even when women may appear to voluntarily enter sex work, empirical evidence shows that poverty and lack of opportunities drive the entry, and hence it cannot be considered genuine choice. On a philosophical level, however, the same argument can be applied to any kind of work, not only sex work. Marx used it to argue that the labor contract is not a genuine contract inasmuch as one of the contractual parties – the worker – has no alternative means of survival but to take up wage employment. But if we take Marx’s work seriously, we should advocate the end of wage labor, not simply the eradication of sex work.

The contribution by Botti and D'Ippoliti (2016) questions the no-agency-under-constraints argument in a rather indicative case. Exploiting an ad hoc survey of trans people conducted in Italy in 2010, the authors examine the choice of entering sex work among trans people in Italy, a group that is

portrayed as suffering from serious discrimination. In their account, none of the sex workers they interviewed declared that sex work was the first job they found, and all were much more likely to declare that it was the “only” job they found. While this seems to lend strong support to the thesis that sex work can never be “chosen,” a closer look at other findings in the study reveals that entering sex work as a second or third best choice should not be confused with total absence of agency. Botti and D’Ippoliti estimate the probability of entering sex work as a function of, among other things, income to capture the pull effect that is exercised by the fact that average earnings in the sex industry are higher than the average earnings in the reference labor market. And they found that prospective earnings matter. Low employability and high discrimination – both of which depress opportunities for employment – were also found to matter: in fact, they were found to be the most significant factors pushing trans people to enter sex work. In plain words, Italian trans people interviewed by the authors entered sex work largely because their opportunities were curtailed by low employability and high discrimination but partly also because the sex service industry offers above average earnings. Is not this evidence of at least some agency?

This is the crux of the matter: agency comes in degrees. The case of “regular” sex work known as “window prostitution” in Amsterdam makes this same point from a converse perspective. Verhoeven and van Gestel (2016) used police files of Dutch criminal investigations into human trafficking in Amsterdam’s Red Light District to study window prostitution. In this branch of the industry, sex workers provide (full) sexual services in a room where the window serves as a “negotiation venue” as well as a “shop window.” They demonstrate that “[i]n principle, sex workers work independently: they are self-employed, and they negotiate the price and the services provided to their clients on their own” (Verhoeven and van Gestel 2016: 112). Since sex work is fully legal in the Netherlands, the workers in window prostitution are regulated, taxed, and inspected like other self-employed workers. According to the law, they enjoy full agency. In reality, however, they depend on a host of services from tax drivers, pimps, errand boys, brothel owners, bodyguards, or accountants, all of whom tend to work informally, partly because clients value anonymity to avoid being stigmatized. Such informality, however, tends to expose sex workers to exploitation since it makes it difficult to prove or prevent abuse or to enforce penalties. This reduces the workers’ bargaining power and, more generally, their agency.

If agency comes in degrees, the idea of a continuum of choice is more appropriate than popular dichotomies like forced versus voluntary sex work. This idea is not new in the literature about sex work and trafficking. Plambech, in this volume, situates her Nigerian sex workers along a migration and trafficking continuum where “the precise point at

which tolerable forms of sex work migration end and human trafficking begins will vary according to political and moral values not easily captured by legal definitions” (2016: 139). Giulia Garofalo (2015) uses the idea of a continuum of power asymmetries to conceptualize sex work as a “positional” good. Drawing from the work of anthropologist Paola Tabet (2004), Francesca Bettio and Tushar K. Nandi (2010) posit a continuum of contractual arrangements in sex work. In their view a woman’s degree of agency, including her capacity to influence the terms of the exchange, contributes to defining breaches in this continuum, that is, meaningful distinctions between (implicit or explicit) contractual arrangements placed along the scale. In our view, the contributions in this volume can be used to illustrate the idea of a continuum of contractual arrangements with respect to the ability to influence the terms of exchange – earnings, working conditions, hours of work, choice of clients, choice of services, and so on. Indentured sex work migration as found in Nigeria might be located at the low agency end of the continuum, while window prostitution in Amsterdam might plausibly sit at the opposite end, with brothel work in Kolkata positioned somewhere in the middle. Our interest here does not lie in how exactly the different arrangements can be ranked along a continuum – such a measurement exercise falls clearly outside the scope of this contribution – but in arguing that they belong in a continuum.

STIGMA

Like agency, stigma too comes in degrees. One reason, we argue here, is that not only does stigma affect earnings and working conditions, as some economists theorize, but earnings and working conditions may affect stigma in turn, in a complex two-way causation process that sustains segmentation in the industry.

Neoclassical economic theorizing has embraced the view that stigma and sex work are inextricably woven together across time and places. However, the focus is on the effects of stigma on demand for paid sex, prices or earnings of sex workers, rather than the way the former is socially constructed – that is, why stigma arises in the first place or which forms it takes. Yet, several articles in this volume indicate that earnings and social conditions are important ingredients in the social construction of stigma, with the tendency for the latter to decrease as earnings rise and working conditions improve. This feeds a process of segmentation that has been overlooked by neoclassical economic theorizing, but is well supported by the studies in this collection, and is rather more linked to the classic sociological theories of stigma. The latter describe the relational process of attribution and acceptance of stigma (Goffman 1963), leaving room for agency to play an important role, and one that can account for the varying experiences of individuals in the sex industry.

To explore why let us start from Lena Edlund and Evelyn Korn's (2002) first theorization of sex work. Their theory is primarily concerned with stigma on the supply side, where sex workers are prevented from marrying because stigma acts as a barrier that separates out the market for "non-reproductive sex" from the marriage market for reproductive sex. In this model, stigma allows reproductive sex to live in harmony – read: market equilibrium – with non-reproductive sex. As long as the lifetime returns of offering non-reproductive services as a sex worker are broadly in line with that of offering reproductive services as a wife, the two markets can happily coexist, provided they do not mingle. The question of what would happen if they mingled is assumed not to matter for the economics of sex work. This assumption is a characteristic of traditional mainstream economics: stigma is like preferences or beliefs, and it is not the task of economists to query either.

Marina Della Giusta, Maria Laura Di Tommaso, and Steinar Strøm (2009) narrow down the concept of stigma to a more "tangible" loss of reputation, but at the same time broaden its range of action: stigma restrains clients from buying sex on the demand side while also influencing conditions and earnings of sex workers on the supply side. They allow for reverse causation in their model, whereby stigma may be affected by demand or supply of sex work in its turn – that is, it is weakened when the market expands significantly. Reverse causation says something about the process of social construction of stigma; for example, if a larger market weakens stigma, then the latter must be sustained by some idea of deviance. Within the confines of the model that Della Giusta, Di Tommaso, and Strøm (2009) propose, however, it does not ultimately matter which "deviance" is being stigmatized or why.

Hui (2017), in this volume, is interested in how stigma matters on the supply side: in her framework stigma influences bargaining power, rather than separating markets, and one of her key findings is that perceived bargaining power is affected by stigma more than actual bargaining power, thus providing a more explicit understanding of the link between stigma and agency. In the same vein, Plambech (2016) illustrates how, for Nigerian women involved in the trafficking flows of sex workers to Europe, being deported back to Benin city from Europe carries higher stigma than having been (trafficked as) sex workers. The reason, Plambech argues, is that deportation is equated with downward social mobility since, after deportation, former migrants can no longer support their family with their remittances. Although social status cannot be entirely equated with high income or wealth, Plambech's evidence hints at the possibility that sex work is less stigmatized the higher the earnings it commands (a point we elaborate further below).

The story told by Plambech may also be interpreted as severe stigma signaling conditions socially perceived as economic failure. Think of how

poverty has been stigmatized in the past and still is among some groups in society. Transposed onto sex work, the parallel with poverty means that if individuals enter sex work to earn a livelihood, this is a sign that they belong to the downtrodden, those with lower chances of success. But if the same individuals can make enough money out of sex work to climb the social ladder, this inevitably lowers the stigma attached to their persona. Put differently, the degree of stigma attached to sex work may well signal a sex worker's position within the economic hierarchy.

Mathews (2017) highlights a different side of stigma in sex work, which may reinforce the idea of a social hierarchy component. Cam models, he argues, are able to construe their identity of being performers rather than sex workers because they have no physical contact with the clients. Identity matters for economic choices among cam models: as noted, they are reluctant to move to other segments of the sex industry where they could earn more also because they wish to defend their identity. Their perception is that sex workers who do the "real" (physical) job are more stigmatized than they are, performing sex behind a camera. The point here is that cam models' perception fit the century's old dichotomy between brawn work and brain work, with the former enjoying less social status than the latter, though not necessarily lower earnings. Applied to the sex industry this dichotomy indicates that sex work attracts stigma also because it is more brawn than brain work. And the more brawny it is, the stronger the stigma.

Botti and D'Ippoliti provide yet another piece of anecdotal evidence in support of this idea. In their recollection:

starting from May 2009, the Italian political debate was dominated by allegations that Prime Minister Silvio Berlusconi regularly hosted parties with (occasionally underage) sex workers. The then-majority conservative party reacted by both denying the accusations as well as trying to reduce the social stigma attached to sex work. Part of such a large-scale communication strategy was the systematic use of a less value-ridden term than prostitute, namely "escort." (Botti and D'Ippoliti 2016: 84)

This hints to the fact that stigma is weaker or less consequential for escort girls, the best paid segment of the industry. Not only do they earn enough money to buy off some of the social standing that stigma erodes, but, arguably, they also sell sexual services where brain work weighs more than in other branches of the industry. They are expected to perform physical sex but also to entertain a richer or more sophisticated clientele. This requires social skills, hence brain work of a type. Social skills are part of any sex worker's job, but, arguably, quality and quantity may be higher for escorts. Indeed, Maria Laura Di Tommaso, Isilda Shima,

Steinar Strøm, and Francesca Bettio (2009), analyzing the well-being of sexually exploited trafficked women, found that fees for sexual services were strongly correlated with women's level of education. Women with high levels of education were paid 44 percent more than women with low levels of education.

If all of this has some grounding, then it raises a number of questions about the existing theorization of sex work. In particular, can stigma and prices or earnings from sexual services be modeled as if they were independent from one another (as Edlund and Korn [2002] do)? Stigma, prices, earnings, and working conditions vary greatly across types of sex work. The industry is known to be highly segmented as can be gauged from even the few studies included in this collection. In such a segmented market, do higher earnings go along with reduced stigma as the case of escorts would suggest, or are they being traded off for less stigma, as the case of cam models would indicate? And is there mobility between segments? If not, what stands in the way?

To see how important it may be to account for segmentation in the analysis of sex work, consider the study by Della Giusta, Di Tommaso, and Jewell (2016) in this collection. The study uses the 2001 British National Survey of Sexual Attitudes and Lifestyles (Natsal; a representative sample of British men) to test econometrically the theoretical framework introduced by Della Giusta, Di Tommaso, and Strøm (2009). A key question the study addresses is whether and how strongly stigma reduces the demand for paid sex. After controlling for a host of variables, Della Giusta, Di Tommaso, and Jewell (2016) find that men with higher occupational status demand less paid sex. In their words: “[i]ndividuals with a professional or managerial position are 9 percentage points less likely to pay for sex than unskilled individuals” (2016: 38). This result is seen to strongly support one of the central claims of the model.

Della Giusta, Di Tommaso, and Jewell (2016) also report that an earlier attempt (Della Giusta et al. 2009) to test the prediction of the model had given inconclusive results on the role of stigma. They justify the difference in the two sets of results with the shortcomings of the data used for the earlier attempt. In light of the preceding discussion, however, this discrepancy of results may be given a different interpretation. Among male clients, higher occupational status goes along with good earnings, hence with ability to pay for more expensive sexual services, such as escorts instead of street-based sex workers. If it is true that sex work is less stigmatized at the top of the market, then two opposite effects would be at work for skilled, high-earning male clients. On the one hand, they face higher reputational costs than unskilled blue collars when they are caught to demand paid sex, but on the other hand they can afford to demand the kind of sex work that tends to be less stigmatized. Which effect prevails is an empirical question. This empirical indeterminacy is an example of how difficult it may be to

generalize results when the segmentation of the sex market is not explicitly accounted for.

CONCLUSION

This collection of studies on sex work and trafficking can be seen as a complement to two previous special issues of *Feminist Economics*: Gender and Migration (18[2]; 2012) and Voice and Agency (22[1]; 2016). All three issues are linked through the concept of agency. This contribution has shown that agency is an empirical and conceptual lynchpin of the collection of studies in this issue. Agency comes through and varies with subjective as well as objective bargaining power (Hui 2017); legalization, as currently enforced, need not imply full agency (Verhoeven and van Gestel 2016); failing to see agency (however limited) leads to mistaking indentured forms of sex work migration for trafficking (Plambech 2016); agency comes as choice of the type of sex work (Mathews 2017); agency is implied by any economic choice, but is always constrained (Botti and D'Ippoliti 2016; Della Giusta, Di Tommaso, and Jewell 2016).

Agency is also a major issue in the ongoing debate within government and policymaking circles as well as among scholars about the legalization, decriminalization, and criminalization of sex work. Supporters of criminalization (of sex workers or clients) tend to undervalue the issue of agency and portray sex workers as victims. Supporters of decriminalization or legalization tend to stress the value of the choice of those involved (Euchner and Knill 2015).

The studies in this special issue lend support to an alternative stance in the policy debate: because agency comes in degrees, the idea of a continuum of choice is more appropriate than the popular dichotomy of voluntary versus forced sex work. A stark opposition between criminalization and legalization therefore imposes a false dichotomy on a much more complex issue with the unintended consequence of hindering agency and the well-being of sex workers.

The other main theme of this special issue is the role that stigma attached to sex workers and clients plays in shaping the supply of and demand for sex work. Stigma is also viewed here to fit a continuum when applied to the sex industry. A relatively neglected dimension of this continuum that this issue brings out is that sex work attracts stigma because it is more brawn than brain work, and the more brawny it is, the more stigma it carries. So, escort girls in Italy or cam girls in the Philippines suffer or perceive less stigma also because their work is perceived as more brain than brawn (Botti and D'Ippoliti 2016; Mathews 2017). At the top of the market, sex work is less stigmatized.

Recognizing that both agency and stigma come in degrees lends credibility to the suggestion that the higher the stigma that is imposed,

the lower the agency that is allowed. This trend is found particularly for sex workers in Delhi and Kolkata (Hui 2017), where girls who are already stigmatized due to their caste have less subjective and objective bargaining power. It is also the basis of the theoretical model of sex work by Della Giusta, Di Tommaso, and Strøm (2009), and is confirmed by the paradox highlighted by Plambech. Nigerian sex workers who are returned to Nigeria to be “freed” from the trafficking network that brought them to Europe suffer higher stigma than the sex workers who managed to stay abroad because inability to earn adds to the status of “prostitutes” in the algebra of stigma.

To the extent that agency and stigma are negatively correlated, any policy that affects stigma will have consequences on agency and vice versa. This calls for reconsideration of current approaches toward sex work. Legalization policies that do not succeed in eradicating stigma cannot be assumed to ensure full agency. Conversely, criminalization of clients raises serious concern about adverse unintended consequences for the agency and well-being of sex workers. If criminalization increases the stigma associated with sex work, sex workers will lose agency (see Amnesty International [2016] report for Norway), but if sex workers are empowered through collective action or associations, then stigma may well decrease. Only time, and careful monitoring, will tell.

Francesca Bettio

Department of Economics and Statistics, University of Siena, Italy

e-mail: francesca.bettio@unisi.it

Marina Della Giusta

Department of Economics, University of Reading, UK

e-mail: m.dellagiusta@reading.ac.uk

Maria Laura Di Tommaso

*Department of Economics and Statistics Cognetti de Martiis, University of Turin,
Italy*

Collegio Carlo Alberto

Via Real Collegio 30, 10024 Moncalieri, Torino

e-mail: marialaura.ditommaso@unito.it

NOTES ON CONTRIBUTORS

Francesca Bettio is Professor of Economics at the University of Siena, Italy. She graduated from the University of Bologna and holds a MSc from the London School of Economics and a PhD in economics from the

University of Cambridge, UK. She is the author or co-author of over seventy publications including books, articles, and research monographs on topics ranging from long-term and cyclical patterns of female employment and wage differentials to discrimination and occupational segregation, fertility in Mediterranean countries, care work, sex work, and violence against women. She has a long record of working for the European Commission.

Marina Della Giusta is Associate Professor in Economics, School of Politics, Economics and International Relations, University of Reading. Her research focuses on behavioral and labor economics, particularly on gender, stigma, and social norms. She has published two books, several book chapters, and journal articles on the economics of sex markets, and her research has appeared in *Journal of Population Economics*, *Cambridge Journal of Economics*, *Feminist Economics*, *Urban Economics*, and *World Development*. Her recent work focuses on interventions to redress disadvantage in education, evolution of gender preferences, and use of both big social data and board games to understand economic behavior.

Maria Laura Di Tommaso is Associate Professor of Economics at the University of Turin in Italy and Affiliate to Collegio Carlo Alberto. Previous positions include College Lecturer in Economics and Fellow at Robinson College, University of Cambridge and Research Associate in the Department of Applied Economics, University of Cambridge. Her interests are in the fields of microeconomics, economics of gender, feminist economics, and the capability approach. Her publications appear in journals such as the *Cambridge Journal of Economics*, *Economic Journal*, *Journal of Health Economics*, *European Journal of Political Economy*, *Feminist Economics*, *Journal of Population Economics*, and *Economics of Education Review*.

ACKNOWLEDGMENTS

We would like to thank the contributors and referees of the papers included in this special issue for their valuable and accurate work, and for patiently handling many rounds of revisions to the papers: it is thanks to their efforts and perseverance that this volume has such interesting and thorough coverage of the field. We would also like to acknowledge the contributors to the portal InGenere.it for the frank debate that they continue to encourage. We would also like to acknowledge financial support from Collegio Carlo Alberto and our respective departments. Finally, we gratefully acknowledge the careful comments that we received on this introduction from the editors, Günseli Berik and Diana Strassmann, as well as the support of the journal staff – Christine Cox, Heba Khan, and Polly Morrice.

NOTE

- ¹ Economists may be tempted to explain this differently, for instance, as a trade-off between better working conditions and lower earnings, especially if they adhere to the hypothesis of compensating differentials. However, absence of physical contact is only one of the working conditions that should be factored in. Other conditions may not be so desirable: as Mathews documents, for example, models have to spend very long, unpaid, hours enticing clients and with no certainty of inducing them into paid, private sessions.

REFERENCES

- Agarwal, Bina. 1997. "'Bargaining' and Gender Relations: Within and Beyond the Household." *Feminist Economics* 3(1): 1–51.
- Amnesty International. 2016. *The Human Cost of "Crushing the Market": Criminalization of Sex Work in Norway*. London: Amnesty International.
- Anderson, Bridget and Julia O'Connell Davidson. 2003. "Is Trafficking in Human Beings Demand Driven? A Multi-Country Pilot Study." IOM Migration Research Series Report 15, International Organization for Migration.
- Bettio, Francesca and Tushar K. Nandi. 2010. "Evidence on Women Trafficked for Sexual Exploitation: A Rights Based Analysis." *European Journal of Law and Economics* 29(1): 15–42.
- Botti, Fabrizio and Carlo D'Ippoliti. 2016. "Sex Work Among Trans People: Evidence from Southern Italy." *Feminist Economics* 23(3): 77–109.
- Cho, Seo-Young, Axel Dreher, and Eric Neumayer. 2013. "Does Legalized Prostitution Increase Human Trafficking?" *World Development* 41: 67–82.
- Della Giusta, Marina and Vanessa E. Munro. 2008. *Demanding Sex: Critical Reflections on the Regulation of Prostitution*. Aldershot: Ashgate.
- Della Giusta, Marina, Maria Laura Di Tommaso, and Steinar Strøm. 2009. "Who Is Watching? The Market for Prostitution Services." *Journal of Population Economics* 22(2): 501–16.
- Della Giusta, Marina, Maria Laura Di Tommaso, Isilda Shima, and Steinar Strøm. 2009. "What Money Buys: Clients of Street Sex Workers in the U.S." *Applied Economics* 41(18): 2261–77.
- Della Giusta, Marina, Maria Laura Di Tommaso, and Sarah Jewell. 2016. "Stigma and Risky Behaviors among Male Clients of Sex Workers in the UK." *Feminist Economics* 23(3): 23–48.
- Di Tommaso, Maria Laura, Isilda Shima, Steinar Strøm, and Francesca Bettio. 2009. "As Bad as it Gets: Well-Being Deprivation of Sexually Exploited Trafficked Women." *European Journal of Political Economy* 25(2): 143–62.
- Doezema, Jo. 2010. *Sex Slaves and Discourse Matters: The Construction of Trafficking*. London: Zed Books.
- Eddlund, Lena and Evelyn Korn. 2002. "A Theory of Prostitution." *Journal of Political Economy* 110(1): 181–214.
- Euchner, Eva-Maria and Christof Knill. 2015. "Prostitution: Sin, Unavoidable Evil, or Recognized Profession?" In *On the Road to Permissiveness? Change and Convergence of Moral Regulation in Europe*, edited by Cristoph Knill, Christian Adam, and Steffen Hurka, 129–57. Oxford: Oxford University Press.
- European Parliament. 2014. "European Parliament Resolution of 26 February 2014 on Sexual Exploitation and Prostitution and Its Impact on Gender Equality 2013/2103(INI)." <http://www.europarl.europa.eu/sides/getDoc.do?type=TA&reference=P7-TA-2014-0162&language=EN&ring=A7-2014-0071>.

- Farley, Melissa. 2010. "This House Believes that Prostitution Should be Legal: The Opposition's Rebuttal Remarks." *The Economist*. Archived from the original on October 22, 2012.
- Folbre, Nancy. 1994. *Who Pays for the Kids? Gender and the Structures of Constraint*. New York: Routledge.
- Gammage, Sarah, Naila Kabeer, and Yana van der Meulen Rogers. 2016. "Voice and Agency: Where Are We Now?" *Feminist Economics* 22(1): 1–29.
- Garofalo, Giulia. 2015. "Towards an Economic Analysis of Prostitution." Mimeo. University of Lund, Sweden.
- Goffman, Erving. 1963. *Stigma: Notes on the Management of Spoiled Identity*. London: Penguin.
- Home Affairs Committee. 2016. "Prostitution. Third Report of Session 2016–17." House of Commons, UK Parliament. <https://www.publications.parliament.uk/pa/cm201617/cmselect/cmhaff/26/26.pdf>.
- Hughes, Donna M. 2000. "The 'Natasha' Trade: The Transnational Shadow Market of Trafficking in Women." *Journal of International Affairs* 53(2): 625–51.
- Hui, Neha. 2017. "Bargaining Power and Indicators of Well-Being Among Brothel-Based Sex Workers in India." *Feminist Economics* 23(3): 49–76.
- International Council. 2015. "Decision on State Obligations to Respect, Protect, and Fulfil the Human Rights of Sex Workers." Amnesty International. <https://www.amnesty.org/en/policy-on-state-obligations-to-respect-protect-and-fulfil-the-human-rights-of-sex-workers/>.
- Kabeer, Naila. 1999. "Resources, Agency, Achievements: Reflections on the Measurement of Women's Empowerment." *Development and Change* 30(3): 435–64.
- Mathews Paul W. 2017. "Cam Models, Sex Work, and Job Immobility in the Philippines." *Feminist Economics* 23(3): 160–83.
- New Zealand Ministry of Justice. 2008. *Report of the Prostitution Law Review Committee on the Operation of the Prostitution Reform Act 2003*. Wellington: New Zealand Government.
- Outshoorn, Joyce. 2005. "The Political Debates on Prostitution and Trafficking of Women." *Social Politics* 12(1): 141–55.
- Plambech, Sine. 2016. "Sex, Deportation, and Rescue: Economies of Migration among Nigerian Sex Workers." *Feminist Economics* 23(3): 134–59.
- Rao, Smirti and Christina Presenti. 2012. "Understanding Human Trafficking Origin: A Cross-Country Empirical Analysis." *Feminist Economics* 18(2): 231–63.
- Sen, Amartya. 1987. "Gender and Cooperative Conflicts." Working Paper 18, World Institute for Development Economics Research (WIDER), Helsinki, Finland.
- 1990. "Gender and Cooperative Conflicts." In *Persistent Inequalities: Women and World Development*, edited by Irene Tinker, 123–49. Oxford: Oxford University Press.
- Shively, Michael, Sarah Kuck Jalbert, Ryan Kling, William Rhodes, Peter Finn, Chris Flygare, Laura Tierney, Dana Hunt, David Squires, Christina Dyous, and Kristin Wheeler. 2012. "Final Report on the Evaluation of the First Offender Prostitution Program: Report Summary." National Institute of Justice, US Department of Justice, Washington, DC.
- Skidelsky, Robert. 2016. "The Economist's Concubine." <http://www.skidelsky.com/site/article/the-economists-concubine/>.
- Svanström, Yvonne. 2017. "From Contested to Consensus: Swedish Politics on Prostitution and Trafficking." In *Feminism, Prostitution and the State*, edited by Eilis Ward and Gillian Wylie, 29–45. Abingdon: Routledge.
- Tabet, Paola. 2004. *La Grande Beffa. Sessualità delle donne e scambio sessuo-economico* [The big farce. Women's sexuality and sex-economic exchange]. Soveria Mannelli, Italy: Rubbettino.

- The Economist. 2014. "Prostitution: A Personal Choice." <http://www.economist.com/news/leaders/21611063-internet-making-buying-and-selling-sex-easier-and-safer-governments-should-stop>.
- van Staveren, Irene and Olasunbo Odebode. 2007. "Gender Norms as Asymmetric Institutions: A Case Study of Yoruba Women in Nigeria." *Journal of Economic Issues* 41(4): 903–25.
- Verhoeven, Maite and Barbra van Gestel. 2016. "Between Visibility and Invisibility: Sex Workers and Informal Services in Amsterdam." *Feminist Economics* 23(3): 110–33.
- Weitzer Ronald. 2009. "Sociology of Sex Work." *Annual Review of Sociology* 35: 213–34.